

Judiciary Committee JOINT FAVORABLE REPORT

Bill No.: SB-1085

AN ACT CONCERNING THE LEGALIZATION OF THE RETAIL SALE AND POSSESSION OF CANNABIS AND CONCERNING ERASURE OF CRIMINAL RECORDS IN THE CASE OF CONVICTIONS BASED ON THE POSSESSION

Title: OF A SMALL AMOUNT OF CANNABIS.

Vote Date: 4/8/2019

Vote Action: Joint Favorable Substitute

PH Date: 3/22/2019

File No.:

***Disclaimer:** The following JOINT FAVORABLE Report is prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and does not represent the intent of the General Assembly or either chamber thereof for any purpose.*

SPONSORS OF BILL:

Judiciary Committee
Rep. Stafstrom

REASONS FOR BILL:

There are many people in Connecticut whose lives have been irreparably harmed by aggressive convictions for committing non-violent drug crimes, such as the possession of small amounts of cannabis. The state has also lost potential tax revenue to black market vendors of marijuana, where the marijuana could be more dangerous than if it were regulated by the state. This bill would legalize the sale and possession of marijuana. This would right the past wrongs done to certain people, which disproportionately targeted minorities.

SUBSTITUTE LANGUAGE:

In Section 9, the word cannabis is added to several sentences to include regulations and taxes on cannabis delivery systems. The substitute language in sections 12-14 describes limitations and penalties for possessing excessive amounts of cannabis. Section 15 adds a procedure for retailers to verify if a person meets the criteria to purchase marijuana by instituting a "transaction scan". Sections 16-18 allow retailers to sell marijuana to those with a valid ID and above 21 years of age. It also imposes sanctions for giving false identification to a retailer and distribution of cannabis to minors. Section 19 removes the burden on the Judicial Department to provide records for the erasure of criminal records that they did not possess and moves the jurisdiction for the erasure to the Superior Court. Section 20, subsections (b) and (c), institute a process for erasure of criminal records, provided the criteria is met, and the limitations of a possible erasure, i.e. (if there is a criminal case

pending and if there is multiple counts on such records). Section 22 negates any previous violation of defendant's release based entirely on defendant's possession, use, or consumption of cannabis under certain criteria. Sections 23-25 remove restrictions on a convict's possession of a cannabis product, such convict/inmate cannot be punished for the possession of marijuana if they meet the legal requirements of possession.

RESPONSE FROM ADMINISTRATION/AGENCY:

CT Judicial Branch: Did not take a position on bill, but had some issues with Section 17 of the bill. The committee added substitute language (now Section 20, subsection c) to address their concerns about cases that are pending or multiple counts.

CT Division of Criminal Justice: Takes no position on the bill, but questions how "law enforcement [can] prove beyond a reasonable doubt that a hand-to-hand sale was not one friend legally sharing with another".

CT Division of Public Defender Services, Chief Public Defender, Christine Perra Rapillo: Supports bill because it will "support efforts to make the system fairer, and to give defendants, victims, and the public more confidence that justice will be done". **Suggests an amendment** to make erasure of criminal records, provided by this bill, to be automatic, instead of requiring someone to file a petition to get their conviction erased.

The Governor's Prevention Partnership: Takes no position on the bill, but says that "the state must focus on keeping the drug out of vulnerable hands".

Connecticut Commission on Women, Children, and Seniors and Commission on Equity and Opportunity: Supports bill because legalization of marijuana would close "the illegal market for marijuana", it would raise "tax revenue that can be devoted for social good", and it would create "jobs in the legal marijuana industry".

NATURE AND SOURCES OF SUPPORT FROM GROUPS:

Sen. Martin Looney: Supports bill because "it is time we take rational, common-sense approach to cannabis" and supports provisions for the erasure of criminal records for possession of small amounts of marijuana because "no person's future should be compromised for conduct that the majority of the population thinks should be legal".

ACLU-CT, Executive Director, David McGuire: Supports bill because it will "mitigate these past [racial] injustices and prevent them in the future", but **suggests amendment** to remove the civil infraction tickets, as a replacement for the arrest, and completely erase the infraction without repercussions.

ScottsMiracle-Gro Company, Director of Government Affairs, Brian Herrington: Supports bill because this bill will get rid of "outdated drug laws [that] continue to impact the lives of millions of Americans arrested for minor drug possession crimes, which result in lifelong harm". **Suggests amendment** to allow "limited personal cultivation to ensure access to affordable, safe, and effective cannabis".

Connecticut Criminal Defense Lawyers Association, Executive Board member, Jassette Ann-Marie Henry, Esq.: Supports bill because the bill “would prevent many adults from being unfairly penalized in the criminal justice system for possession of small amounts of cannabis” and it would remove the “collateral consequences that can last for years, if not a lifetime” of being arrested for cannabis possession.

Mashantucket Pequot Tribal Nation, General Counsel, Rion J. Ramirez: Supports bill, but **suggests amendment** to “enable the State of Connecticut and Tribes to enter into agreements concerning the regulation, production, and sale of cannabis by Indian Tribes in Connecticut”.

Marijuana Policy Project: Supports bill because it would create tax revenue, job creation, and it would displace the illicit market of marijuana.

National Veterans Council for Legal Redress, Executive Director, Garry Monk: Supports bill because the “state has spent far too much of its limited resources criminalizing the very people it should be supporting”. **Suggests amendment** to eliminate all medical marijuana fees for veterans.

Quinnipiac University School of Law, Civil Justice Clinic, Alexandra Vaughn: Supports bill because “it represents an important step forward”, but **suggests amendment** to make the erasure of the criminal records for minor possession automatic if the prosecutor does not object.

Yale Law School, Veterans Legal Services Clinic, Mollie Berkowitz et al: Supports bill because it is the “best way to ensure that those who need palliative marijuana can access it, and [prevents] cannabis users’ unnecessary contact with the criminal justice system”.

Connecticut Conference of Municipalities, Advocacy Manager, Mike Muszynski: Takes no position, but asks that the legislation should give municipalities the ability to prohibit or restrict where cannabis can be sold and ensure that there should be safeguards to make sure that cannabis does not get into schools.

NATURE AND SOURCES OF OPPOSITION FROM GROUPS:

Representative Mary M. Mushinsky: Supports procedure to erase criminal records for possession of less than 1.5oz of marijuana. Opposes legalization of recreational marijuana because of the “deleterious effect of cannabis on young brains under age 25”.

Representative Holly Cheeseman: Opposes bill because of the “link between using cannabis and becoming dependent and/or abusing other substances, including alcohol, tobacco, and other illicit drugs” and the “growing body of research available that establishes the dangers of legalization of retail marijuana”.

Connecticut Youth Services Association: Opposes bill because of the “serious public health and safety implications for any legislation that would legal and commercializes the sale of marijuana” and the legalization would “come at substantial detriment to the safety, health, and welfare of our youth and families”.

Connecticut NORML, Aaron J. Romano, Esq.: Opposes bill because they “believe fundamental changes must be made to the text of the bill to ameliorate past harm, provide an economic benefit to the State, and prevent future harm from occurring”. **Suggests amendment** to remove restrictions in regards to the amount of cannabis one can store.

Connecticut Association of Prevention Professionals: Opposes bill because “marijuana is addictive, especially for our youth” and marijuana has “negative impacts on adolescent brain development, including permanent brain damage for regular adolescent users”.

Connecticut Psychiatric Society, President, Shaukat Khan, MD: Opposes bill because “there is insufficient medical and public health evidence to demonstrate that recreational marijuana is safe and poses little to no public health risk”.

Connecticut Association of Boards of Education Inc.: Opposes bill because “of the negative impact on children’s education and development” and this bill would reduce “barriers to marijuana use by children”.

Health Assistance Intervention Education Network (HAVEN), CEO, Maureen Sullivan Dinnan: Does not oppose erasure of criminal records for convictions that were “based solely on the possession of a small amount of cannabis”, but opposes the legalization of recreational marijuana because “there is insufficient evidence regarding the safety of marijuana used recreationally and there is increasing data regarding the risks associated with cannabis use”.

CT Catholic Public Affairs Conference, Associate Director for Public Policy, Deacon David Reynolds: Opposes bill because of the “negative impacts the legalization of marijuana would have on the residents of our state, including those under 21” and “Catholic social teaching states that ‘the use of drugs inflicts very grave damage on human health and life. Their use, except on strictly therapeutic grounds is a grave offense.’ This offense is against the individual and society”.

Trumbull Board of Education, Board Chairman, Loretta Chory et al: Opposes bill because of the “negative impact it will have on our students, their education, and their development”.

Wallingford Mayor, William W. Dickinson Jr.: Does not oppose potential use of cannabis, but opposes the use of cannabis “prior to conducting thorough research and clinical studies to determine the safety of its use for medicinal or recreational purposes”.

Connecticut Psychiatric Society, CT Chapter of the Society of Addiction Medicine, Deepak Cyril D’Souza, MD: Opposes bill because “there is insufficient evidence regarding the safety of marijuana for us within the medical community to fully back legalization of recreational marijuana”.

CT State Medical Society: Opposes bill because “there is no evidence to date that such statutory change has positively influenced the public health of the community whereas there is emerging evidence to suggest the opposite”.

CURECT, Political Director, Jason Ortiz: Opposes bill because the bill “does not decriminalize the sale or cultivation of cannabis” and “does not provide for Expungement of Distribution/intent to sell or Cultivation”.

New England Craft Cannabis Alliance, Founder and Director, Joseph Raymond: Opposes bill because the bill does not “add grow right...micro-licensing” and the process to did not the legislature did not bring in individual advocates for the legalization of marijuana and brought in corporate cannabis interests.

Yifrah Kaminer MD., MBA: Opposes bill because the “increased availability of cannabis will contribute to the expansion of cannabis use in adolescents” and because “the quick fix proposals are not based on scientific rigorous studies”.

NATURE AND SOURCES OF PUBLIC TESTIMONY:

Support:	Oppose:
Timothy Ryan Yankee	Joe Delaney
Jenn Lascko (Andover, CT)	Paul Kirchberg (Milford, CT)
Jennifer Purdon (Hartford, CT)	Michael Makowski (Colchester, CT)
Joseph LaChance	William S. Church
Ashley Wiltshire	Jennifer A. Short (Wallingford, CT)
Linda Pagani (Bloomfield, CT)	Elizabeth Abernathy (Guilford, CT)
Syreeta White (Hartford, CT)	Raymond Vitali (Milford, CT)
John Chunis (Rocky Hill, CT)	Marion Simone Heiss (Westport, CT)
Camille Kritzman (Hartford, CT)	Deborah Barbi (East Haddam, CT)
	Kathleen Moore (Weston, CT)
	Caroline Meyer (Hebron, CT)
	Tiffany Barnard Davidson (Westport, CT)
	Norman Plude (Seymour, CT)
	Abraham Hernandez
	Elisabeth DH Ott (Guilford, CT)
	Brandy Gray (New London, CT)
	Karolin Regan (North Branford, CT)
	Henry J Martocchio (South Windsor, CT)
	Aliyah Henry (East Hartford, CT)
	Cody Roberts
	Melissa McGarry (Westport, CT)
	Ken Bastian
	Margaret Lancaster (New London, CT)
	Ellen Kleckner (New London, CT)
	Ricky D Evans (New Haven, CT)
	Brian Essenter (Monroe, CT)
	Peter Schultheis
	Todd Foster (New Haven, CT)
	Priscilla Colwell (Woodstock, CT)
	Andrew Davidson (Westport, CT)
	William Huhn (Guilford, CT)

Reported by: Logan Durant

Date: April 23, 2019